

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23190 of 2016

Date of decision: 09.11.2016

Amit Kumar & anr.

...Petitioners

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. & anr.

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Samrat Malik, Advocate for the petitioners.

RAJIV NARAIN RAINA, J.(Oral)

From the table made in para 8 of the petition, Mr. R.K. Malik learned Senior counsel argues that petitioner No.1 belonging to BC-A Category is higher in merit than Sanjeev Kumar and Devender Kumar, who have been offered appointment as Assistant Linesman in August 2016 in the respondent-Nigam and similarly, petitioner No.2 belonging to BC-B Category is higher in merit than Satish Kumar and Sachin Yadav. Petitioner No.1 has been selected at merit No.177 in BC-A Category and candidates namely Sanjeev Kumar and Devender Kumar, who were selected in the waiting list at merit No. 183 and 210 respectively in BC-A category, were appointed. Similarly, petitioner No.2 belonging to BC-B Category stands at merit No.159 in the waiting list and candidates namely Satish Kumar and Sachin Yadav, whose merit position is 185 and 192 respectively in BC-B category in the waiting list, have already been appointed.

When asked how has this happened, Mr. Malik submits from his engaging counsel's instructions that in cases of the present kind that the

respondent Nigam offers appointment when directed by Court. This is a rather interesting way of settling rights of candidates who are higher in merit in the category.

If this is the position then there is no need to issue summons and put the Nigam to notice only to perpetuate a bad habit formed in the Nigam to go by Court orders alone with no sanctity attached to merit in the selection process.

In the circumstances, Mr. Malik's Contentions appear to be weighty that the petitioners' demand notice dated October 1, 2016 (P-12) deserves to be paid attention to by the authorities in the Nigam.

Accordingly, a direction is issued to the respondents to take up the demand notice forthwith, examine the case of above-said selected candidates as against the case of the petitioners and accord the petitioners parity of treatment according to their merit position. Let this exercise be completed within a fortnight and in case, the petitioners deserve appointment according to their merit position in the category applied for then they would be offered consideration for appointment within the next three weeks after completing the formalities.

With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

9.11.2016
Vimal

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*